

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING THE
SUPREME COURT INTERNAL
OPERATING PROCEDURES

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Before **VEASEY**, Chief Justice, **WALSH**, **HOLLAND**, **BERGER**, and **STEELE**, Justices, constituting the Court en banc.

ORDER

This 29th day of April 2003, it appears to the Court that it is desirable to amend various Supreme Court Internal Operating Procedures. The following amendments shall be effective immediately.

NOW, THEREFORE, IT IS ORDERED:

(1) Paragraph (1) of Internal Operating Procedure (IOP) I shall be amended to correct a typographical error in the first quoted phrase, which should read “administrative head of all the Courts in the State.”

(2) Paragraph (3) of IOP I shall be amended to read: “The Chief Justice appoints Justices to many administrative committees and designates Justices to act as liaisons between the Supreme Court and other courts and boards established by the Supreme Court including:

- (a) All trial courts and the Administrative Office of the Courts.
- (b) Board of Bar Examiners
- (c) Board on Professional Responsibility
- (d) Board on the Unauthorized Practice of Law
- (e) Committee on Interest on Lawyer Trust Accounts
- (f) Committee on Publication of Opinions
- (g) Mandatory Continuing Legal Education Commission

- (h) Permanent Advisory Committee on the Supreme Court Rules
- (i) Trustees of the Lawyers' Fund for Client Protection
- (j) Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct
- (k) Council of Court Administrators
- (l) Permanent Advisory Committee on the Delaware Uniform Rules of Evidence"

(3) Paragraph (4) of IOP I shall be amended to read: "(4) *Administrator of the Supreme Court.* This individual is the Chief Administrative Officer of the Court and is responsible for all administrative matters for the Court."

(4) Paragraph (3) of IOP II shall be amended to delete the phrase "Approximately twice a month, the Clerk sends list to all of the Justices of:..." and substitute the following: "The Clerk maintains and makes available electronically to the Justices lists of:...." Paragraph (3) also shall be amended to include the following new subsections:

- (f) Pending Board on Professional Responsibility cases;
- (g) Pending death penalty cases; and
- (j) Pending termination of parental rights cases.

(5) Paragraph (1) of IOP III shall be amended to read as follows: "(1) *External.* The Court Administrator shall be the Chief Public Information Officer of the Court. Contacts outside the courtroom with counsel or the public may be conducted by the Court Clerk, a Deputy Clerk, the Chief Staff Attorney or the Court Administrator. When the Clerk, a Deputy Clerk, the

Chief Staff Attorney or the Court Administrator speak for the Court, they are not authorized to waive the requirements of any statute or rule.”

(6) The last sentence of Paragraph (3) of IOP III shall be amended to read “the Chief Staff Attorney, Court Administrator, and the Clerk.”

(7) Paragraph (3) of IOP V shall be amended to delete each reference to “30 minutes” and substitute “25 minutes.”

(8) Paragraph (8)(c)(iv) of IOP V shall be deleted and the following shall be substituted: “(iv) Tapes shall be transcribed at the Supreme Court chambers in Dover or Wilmington.”

(9) IOP VII is deleted in its entirety and the following new IOP VII is substituted:

VII. En Banc Hearing. The Motion Justice or the Chief Justice may order any matter meeting the criteria for oral argument set forth in IOP V(4) to be determined by the Court en Banc upon the briefs or upon oral argument. In addition, there shall be a determination by the Court en Banc upon the briefs or upon oral argument in the following circumstances:

(1) Upon direct appeal of all death penalty cases, there shall be oral argument en Banc.

(2) Post conviction relief in Death Penalty cases.

(3) Where a panel of this Court indicates possible disagreement.

(4) When there is a reasonable likelihood that a prior decision of this Court may be modified or overruled.

(5) Upon the affirmative vote of two or more justices.

(6) In such other civil or criminal cases as the Court by rule or the General Assembly by two-thirds vote shall determine. See Del. Const. art. IV, § 12.

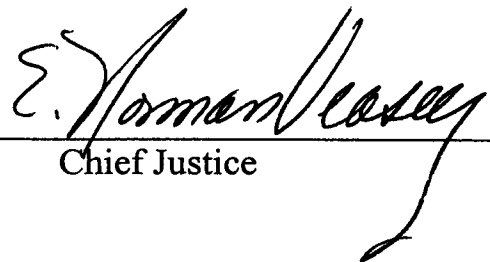
(10) Paragraph (6)(b) of IOP IX shall be amended to insert “faxes and” before the word “mails, or arrange for delivery by hard copy or electronically.”

(11) Paragraph (6)(c) of IOP IX shall be amended to delete both references to “Chief Staff Attorney” and to substitute “Court Administrator.”

(12) Paragraph (7)(n) of IOP XV shall be deleted in its entirety, and the following shall be substituted: “(n) Time limits. Extensions of time are discouraged. The Court strictly applies the requirements of Rule 15(b) and will rarely grant any untimely-filed request or a timely-filed extension request in excess of 15 days.”

(13) Paragraph (4)(b)(i) of IOP XX shall be amended to insert the phrase “, papers that are not timely filed,” following the phrase “as to which there has been no service....”

BY THE COURT:



Chief Justice